

Child Safe Policy

Version 2 - 2023



ACS

Written By	Chief Executive Officer, Principal, Chief Financial Officer, HR Manager
Approved By	CEO
Date	23 February 2023
Relevant to	All Assyrian Christian Schools staff
Related Documents	<p>Child Protection Policy Complaints and Grievance Policy Discrimination, Harassment and Workplace Bullying Policy Privacy Policy Communications Policy Staff Code of Conduct Policy Work Health and Safety Policy Anti-Bullying Policy Staff Employment Policy Working With Children Checks NSW Child Safe Standards</p>
Legislation	<p>NSW Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021 Public Health Act 2010 (NSW) The Children and Young Persons (Care and Protection) Act 1998 (NSW). The Child Protection (Working with Children) Act 2012. Children and Young Persons (Care and Protection) Regulation 2000 Commission for Children and Young People Act 1998 Commission for Children and Young People Regulation 2009 The Children’s Guardian Act 2019 Education Act 1990 (NSW) as amended by the Education Amendment (non-Government Schools Registration) Act 2004 (NSW). Civil Liability Act 2002. Age Discrimination Act 2004 (Cth). Anti-Discrimination Act 1977 (NSW). Disability Discrimination Act 1992 (Cth). Workplace Gender Equality Act 2012 (Cth). Disability Inclusion Act 2014 (NSW). Racial Discrimination Act 1975 (Cth). Sex Discrimination Act 1984 (Cth). Fair Work Act 2009 (Cth). Work Health and Safety Act 2011 (NSW). Relevant Industrial Awards and Agreements.</p>
Next Policy Review	August 2024

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Child Safe Policy

1. PURPOSE AND SCOPE

1.1 This policy sets out staff responsibilities for child safety that staff must follow in relation to child protection matters. This policy applies to all staff members, which includes employees, contractors and volunteers.

1.2 Where the phrase 'child safeguarding', 'child safe' or 'child safety' is used in our Child Safety Policy it refers to the safety and wellbeing of children and young people, which includes but goes further than the protection of them from abuse and other harm.

1.3 The Child Safe Policy provides the framework for:

1.3.1 the implementation of the National Principles for Child Safe Organisations

1.3.2 the development of work systems, practices, policies and procedures that promote child protection, safety and wellbeing within ACS

1.3.3 the creation of a safe and supportive school environment and a positive and robust child safe culture

1.3.4 the promotion and open discussion of child safety issues within ACS

1.3.5 compliance with all laws, regulations and standards relevant to child protection and child safety in NSW.

1.4 Assyrian Christian Schools (ACS) maintains a child safe environment through educating children, employing and supporting the most suitable people to work with children, and implementing effective risk management strategies. Staff members who fail to adhere to this policy may be in breach of their terms of employment.

1.5 ACS keep our community, including children and families, informed about our approach to child safety and encourage them to report any concerns they may have for the safety and wellbeing of children. ACS commit to child safety and leaders champion a child

safe culture by implementing the 10 Child Safe Standards as set by the Office of the Children's Guardian.

1.6 The purpose of this policy is to:

- Articulate our strategies for maintaining a child safe environment and preventing harm to children
- Ensure that board, staff and volunteers are aware of their responsibilities in relation to child safety within our organisation

2. KEY DEFINITIONS AND UNDERSTANDINGS

2.1 This Child Safe Policy implements and is to be read and understood in conjunction with the National Principles for Child Safe Organisations published by the Australian Human Rights Commission and ACS' Child Protection Policy.

2.2 ACS understands the phrase "child safety incident or concern" to mean:

2.2.1 incidents of, or concerns about, a child or young person being "at risk of significant harm" as defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act)**

2.2.2 "child abuse offences" as defined in the Crimes Act 1900 (NSW) such as:

- sexual offences against children or against young people who are under the special care of the perpetrator
- grooming offences against children
- the offence of grooming an adult who has a child under their authority
- physical assaults of children and young people
- administering to or causing the ingestion of an intoxicating substance by a child
- female genital mutilation

2.2.3 conduct by Staff, Volunteers and Contractors that may be Reportable Conduct under the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act)***

** Under the Care and Protection Act, a child or young person is “at risk of significant harm” if “current concerns exist for the safety or wellbeing of the child or young person because of the presence, to a significant extent, or any one or more of the following circumstances”:

***The Children’s Guardian Act defines Reportable Conduct as the following conduct by an employee (which includes all Staff, Direct Contact Volunteers and Direct Contact Contractors), regardless of whether or not a criminal proceeding has been commenced or concluded:

2.2.4 the child or young person’s basic physical or psychological needs are not being met or are at risk of not being met

2.2.5 the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care

2.2.6 the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW)

2.2.7 the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated

2.2.8 the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm

2.2.9 a parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

2.3 The circumstances may relate to a single act or omission or to a series of acts or omissions.

2.4 It does not matter whether the conduct occurred at or in the course of the employee’s work at or for ACS.

2.5 The child does not have to be a student at ACS.

2.6 ACS will take appropriate, prompt action in response to all child safety incidents or concerns, including suspicions, allegations or disclosures of abuse or other harm, that are reported internally by staff. Where appropriate, all matters that meet the required thresholds will be reported externally to the DCJ, the NSW Children’s Guardian, and/or the Police, depending on the information contained in the report.

2.7 The welfare and best interests of the child or young person are paramount. Whenever there are concerns that a child or young person is in immediate danger the Police should be called on 000.

3. RESPONDING TO A CHILD SAFETY SITUATION OR CONCERN

3.1 Please refer to ACS’ Child Protection Policy.

4. PARTICIPATION AND EMPOWERMENT OF STUDENTS

4.1 Three key principles underpin the participation of students:

4.1.1 Empowerment: which involves students having greater control or say over their lives through participation.

4.1.2 Purposeful Engagement: which involves students taking on valued roles, addressing issues that are relevant to them, and influencing real outcomes.

4.1.3 Inclusiveness: which involves ensuring that all students are able to participate.

4.2 ACS recognises the importance of children’s active participation in creating and maintaining a child safe organisation. We support the active participation of

children by:

4.2.1 Actively encouraging them to express their views, opinions and concerns

4.2.2 Listening to and respecting their ideas

4.2.3 Regular anonymous surveys

4.2.4 Encourage students to actively participate in workshops/projects eg RUOK Day, Anti-Bullying presentations

4.2.5 Asking for their feedback

4.2.6 Involve them when we make decisions about matters that directly affect them

4.2.7 Placing them at the centre of all that we do.

Educating Students About Child Safety

4.3 Students may not disclose child safety incidents or concerns because they:

4.3.1 feel uncomfortable doing so

4.3.2 do not recognise behaviours as inappropriate, abusive or grooming behaviour

4.3.3 do not know how to raise their concerns or make a complaint.

4.4 It is our policy that we have simple and accessible information and processes in place to assist all students to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

4.5 A central part of the ACS' strategy for creating and maintain a child safe environment is to provide age-appropriate education about child safety to all students, including:

4.5.1 standards of behaviour for students attending ACS

4.5.2 healthy and respectful relationships (including sexuality)

4.5.3 resilience

4.5.4 child safety awareness and prevention, including their right to make decisions about their body, their privacy and cyber safety

4.5.5 how they can raise concerns about safety, abuse or other harm.

Standards of Behaviour for Students Attending ACS

4.6 Students who do not uphold the standards of behaviour are subject to disciplinary procedures but are also supported by ACS to address and mitigate behaviours that are not in line school expectations.

4.7 Students are encouraged to tell a trusted adult, whether it's a parent/carer or other family member, or a trusted teacher, when they feel unsafe or are impacted by the behaviour of other students.

Healthy and Respectful Relationships and Resilience

4.8 The teaching of healthy and respectful relationships, including sexuality, at ACS seeks to assist students to grow and develop into healthy, mature adults, capable of realising their full potential.

4.9 Healthy and respectful relationships and sexuality education at ACS is:

4.9.1 embedded in core pedagogical practices that are age-appropriate, respectful, sensitive of culture and family background, and differentiated to support the learning and developmental needs of the child or young person

4.9.2 endorsed by the Board.

4.10 ACS also teaches resilience, which is the ability to cope and thrive in the face of negative events, challenges or adversity. Building resilience has a positive impact on students' social and academic outcomes and is particularly critical for students who may be impacted by abuse.

Child Abuse Awareness and Prevention

4.11 ACS provides age-appropriate education for students on child safety awareness and child abuse and harm prevention, to build their capacity to:

- 4.11.1** identify when they feel safe and unsafe and when they are at risk, including when online
- 4.11.2** identify safe and unsafe touching (using the anatomical names for their body parts)
- 4.11.3** promote their personal safety (avoiding harm where possible)
- 4.11.4** seek help, using their identified safety networks
- 4.11.5** overcome barriers to disclosure, for example guilt or disbelief.

4.12 ACS considers best practice when providing access to or selecting providers of child abuse and harm prevention education.

5. NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

- **Principle 1:** Child safety and wellbeing is embedded in organisational leadership, governance and culture. See [Other Legislation, Industry Standards or Internal Policies, and Responsibilities](#) sections below.
- **Principle 2:** Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously
- **Principle 3:** Families and communities are informed and involved in promoting child safety and wellbeing. Also see [Communication](#) section below.
- **Principle 4:** Equity is upheld, and diverse needs respected in policy and practice. Examples include supporting the cultural safety, participation and empowerment of students from culturally and/or linguistically diverse

backgrounds and their families, and welcoming students with a disability and their families and act to promote their participation

- **Principle 5:** People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. See [Recruitment](#) section below.
- **Principle 6:** Processes to respond to complaints and concerns are child focused. See [Complaints Management and Reporting](#) section below.
- **Principle 7:** Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. See [Training, Support and Supervision of Workers](#) section below.
- **Principle 8:** Physical and online environments promote safety and wellbeing, while minimising the opportunity for children and young people to be harmed
- **Principle 9:** Implementation of the national child safe principles is regularly reviewed and improved
- **Principle 10:** Policies and procedures document how the organisation is safe for children and young people. Also see [Child Safety Risk Management](#) section below.

6. STAFF EMPLOYMENT

- 6.1** Please refer to ACS' Staff Employment Policy, ensuring that our recruitment practices create a safe and supportive environment for all students.
- 6.2** All applicants for child-connected work at ACS are informed about these requirements and ACS' child safety practices prior to commencing work at ACS.

7. COMPLAINTS MANAGEMENT AND REPORTING

7.1 Anyone, including children and their families, can make a complaint about a staff member, contractor or volunteer at ACS. Refer to ACS' Complaints and Grievance Policy for information on how to make a complaint. Copies of this policy is available on the school website.

7.2 Staff, contractors and volunteers who work at ACS have a responsibility to be aware of indicators of child abuse and to report any concerns they may have for the safety and wellbeing of all children.

7.3 If a staff member, contractor or volunteer has reasonable grounds to suspect that a child or young person is at risk of significant harm they must report this to an Executive Staff member and they will inform the relevant authorities.

7.4 Any person within or outside of ACS may report their concerns for the safety and wellbeing of a child to the Department of Communities and Justice (Child Protection Helpline 132 111).

7.5 All staff, volunteers and contractors must abide by the Staff Code of Conduct and Child Safe Policy.

8. TRAINING, SUPPORT AND SUPERVISION OF WORKERS

8.1 Training

8.1.1 All staff, at the beginning of every school year, receive Professional Learning and updates on Staff Code of Conduct, the Child Safe Policy and other related policies and procedures. This includes receiving copies of the policies mentioned.

8.1.2 If a staff member/volunteer commences after this time, they receive an induction in the above-mentioned policies. All staff members sign an

acknowledgement of this professional learning and receipt of information.

8.1.3 The Executive Staff allow discussion and opportunities for staff to ask questions and clarify their understanding.

8.1.4 Child safety is a priority at welfare meetings and staff are encouraged to ask questions and contribute to the continuous improvement of child safe policies, procedures and practices in the workplace.

8.2 Supervision

8.2.1 All staff members are supervised by their Manager* and their performance is monitored through regular check-ins through PDPs, observations and performance reviews. (Manager* for example, teachers are supervised by their Head of KLA/Year, KLA Coordinators and Year Coordinators are supervised by their relevant Deputy Principal. Deputy Principals are supervised by their Principal and the Principal by the CEO).

8.2.2 Children and parents are also encouraged to provide feedback to the school throughout the year.

8.3 Disciplinary Actions

8.3.1 Where a staff member, Volunteer or Contractor breaches any obligation, duty or responsibility within our Child Safe Policy, ACS may take disciplinary action that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

8.3.2 Where any other member of the school community, including Volunteers and Contractors, breaches any obligation, duty or responsibility within our Policy, ACS will take appropriate action.

8.3.3 All members of the school community must be aware that if they engage in certain conduct in breach of this Policy, their conduct may also be subject to Mandatory Reporting to DCJ, Voluntary Reporting to DCJ, Reportable Conduct and/or Offences under the Crimes Act 1900 (NSW) that require Reporting to Police, which will be reported to the relevant external agency.

9. COMMUNICATION

9.1 Communication with Staff, Contractors and Volunteers

9.1.1 Our policy will be discussed during the first Professional Learning session on the first day of the school year (Staff Development Day) and in all induction sessions for all new staff, contractors and volunteers. New staff will sign the Child Safe Code of Conduct prior to employment (See Appendix 1).

9.1.2 Child Safety will be discussed regularly at staff meetings and ongoing professional development and mentoring will be provided for staff to help them understand and comply with the policy.

9.2 Communication with Children, Parents and Caregivers

9.2.1 The school will display key information from our policy in the administration office, teaching staffroom and buildings to ensure children understand their rights and how to speak up if something makes them feel unsafe.

9.2.2 Parents and caregivers will be informed to access the Child Safe Policy and Child Protection Policy if needed, at least once per calendar year.

9.2.3 Our policy will be publicly accessible on our website.

9.3 ACS is committed to the continuous improvement of our Child Safe Policy. The Policy is regularly reviewed for overall effectiveness and to ensure compliance with all child protection related laws, regulations and standards.

9.4 ACS is committed to actively seeking, actioning, and incorporating into this Policy, feedback from students, families, the wider school community, staff, volunteers and contractors, and will communicate any adjustments or amendments widely throughout ACS community.

10. CHILD SAFETY RISK MANAGEMENT

10.1 ACS recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur and we use this information to inform our policies, procedures and activity planning.

10.2 ACS has developed a Risk Management Policy to assist in the identification, assessment and management of child safety risks in all ACS environments.

10.3 In maintaining records of child safety incidents or concerns, ACS maintains confidentiality and privacy for students and families in accordance with federal and state privacy legislation.

11. RESPONSIBILITIES

11.1 Child protection and safety is everyone's responsibility. All adults in the ACS community have a shared responsibility for contributing to the safety and protection of students.

11.2 The Board – The Board is responsible for approving our Child Safe Policy and ensuring that the school has appropriate resources to effectively implement the National Principles for Child Safe Organisations published by the Australian Human Rights Commission.

11.3 The Principal – The Principal is responsible, and will be accountable for, the operational management of the school, and the Child Safe Policy. The Principal is responsible for taking all practical measures to ensure that this Child Safe Policy is implemented effectively and that a strong and sustainable child safe culture is maintained within the school.

11.4 The Executive Team – Each member of the Executive Team is required to ensure that appropriate resources are made available in their area of operations to allow the School's Child Safe Policy to be effectively implemented within the school, and to support the Principal in the

practical application of the School's child safety strategies, policies, procedures and work systems.

11.5 Staff – All Staff are required to comply with our Child Safe Policy and Child Safe Code of Conduct and understand their legal obligations with respect to the reporting of child abuse and other harm and Working with Children Checks. It is each individual's responsibility to be aware of key indicators of abuse and other harm, to be observant, and to raise all child safety incidents and concerns with a member of the Executive.

11.6 Volunteers – All Volunteers at the school are responsible for contributing to the safety and protection of students in the school environment. All Direct Contact and Regular Volunteers are required to comply with our Child Safe Policy and Child Safe Code of Conduct and understand their legal obligations with respect to the reporting of child abuse and other harm.

11.7 Contractors – All Contractors engaged by the school are responsible for contributing to the safety and protection of students in the school environment. All Contractors engaged by the school are required to comply with our Child Safe Policy and Child Safe Code of Conduct.

11.8 External Education Providers – An External Education Provider is any organisation that the school has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the school. The delivery of such a course may take place on school premises or elsewhere.

11.9 Non-Compliance with Our Child Safe Policy – ACS enforces this Child Safe Policy and our Child Safe Code of Conduct. In the event of any non-compliance, ACS will instigate a review that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling

- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

12. CHILD SAFE CODE OF CONDUCT

12.1 This Child Safe Code of Conduct outlines appropriate standards of behaviour for all adults in the school environment towards students. The Code serves to protect students, reduce any opportunities for abuse or harm to occur, and promote child safety in the school environment. It provides guidance on how to best support students and how to avoid or better manage difficult situations (See Appendix 1).

12.2 It is ACS' policy that any and all objectively observable behaviour that breaches the Child Safe Code of Conduct is a child safety incident that must be reported internally.

12.3 Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

12.4 ACS reviews the Child Safe Code of Conduct annually.

Scope

12.5 The Child Safe Code of Conduct applies to:

- 12.5.1** All staff
- 12.5.2** Volunteers
- 12.5.3** Contractors
- 12.5.4** External Education Providers
- 12.5.5** Teaching students on placement at ACS
- 12.5.6** Parents/carers and other adult family members of students
- 12.5.7** Visitors.

12.6 This group is together referred to as "ACS Community" for the purposes of this Code.

12.7 The Child Safe Code of Conduct applies in all school environments. School environments include both physical and online environments, as well as any environment (including those outside ACS' grounds) where school-related activities are occurring.

12.8 Each member of ACS Community is responsible for promoting the safety and wellbeing of students by adhering to the following standards of behaviour.

12.9 Our ACS Community must:

- Comply with applicable guidelines published by ACS with respect to child safety, such as staff and student professional boundaries.
- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to child safety and protection issues.
- Provide age-appropriate supervision for students.
- Treat all students with respect.
- Promote the safety, participation and empowerment of students with a disability.
- Promote the cultural safety, participation and empowerment of linguistically and/or culturally diverse students and Aboriginal and Torres Strait Islander students.
- Use positive and affirming language towards students.
- Encourage students to 'have a say' and participate, then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact, and socialise.

- Intervene when students are engaging in bullying or inappropriate behaviour towards others, for example humiliating or vilifying others.
- Ensure as far as practicable that adults are not left alone with a child.
- Report any breaches of this Child Safe Code of Conduct.
- Report concerns about child safety to the Principal and ensure that your legal obligations to report child abuse or other harm externally are met.
- Where an allegation of child abuse or other harm is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

12.10 Our ACS Community must not:

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
- Engage in prejudicial or oppressive behaviour or use inappropriate language with students.
- Express personal views on cultures, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability.
- Engage in open discussions of an adult nature in the presence of students.
- Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.
- Engage in any form of physical violence towards a student including inappropriately rough physical play.
- Use physical means or corporal punishment to discipline or control a student.
- Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.
- Develop 'special' relationships with students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific students).
- Engage in undisclosed private meetings with a student who is not your own child.
- Engage in activities with a student who is not your own child, outside of school hours and without permission from the student's parent/carer.
- Take or publish (including online) photos, movies or recordings of a student without parental/carer consent.
- Post identifying information about a student online unless it is necessary for ACS' activities, or you have consent from the student and/or their parent/carer. Identifying information includes things such as the student's full name, age, e-mail address, telephone number, residence, school, or details of a club or group they may attend.
- Ignore or disregard any suspected or disclosed child abuse or other harm.

Agreement to the Child Safe Code of Conduct

12.11 A copy of the Child Safe Code of Conduct is provided to all Staff, relevant Volunteers and Contractors at induction, or otherwise prior to them commencing work at ACS. It is also communicated via refresher training at regular intervals for all Staff, as well as Volunteers and Contractors.

12.12 All Staff, and Direct Contractors and Regular Volunteers must sign an agreement to adhere to the Child Safe Code of Conduct prior to commencing work at ACS.

12.13 The Child Safe Code of Conduct forms part of the contract between ACS and any Direct Contact and Regular Contractors. Therefore, all Direct Contact and Regular Contractors are deemed to have agreed to adhere to the Child Safe Code of Conduct upon signing the contract or upon commencing work at ACS.

12.14 A copy of the Child Safe Code of Conduct is provided to parents/carers, who must sign an agreement to abide by the Child Safe Code of Conduct on enrolment.

Consequences for Breaching this Child Safe Code of Conduct

12.15 ACS staff members who breach this Code of Conduct may be subject to disciplinary actions that may result in a range of measures including (depending on the severity of the breach):

12.15.1 remedial education

12.15.2 counselling

12.15.3 increased supervision

12.15.4 the restriction of duties

12.15.5 appointment to an alternate role

12.15.6 suspension

12.15.7 in the case of serious breaches, termination of employment, contract or engagement.

12.16 Where any other member of ACS community breaches any obligation, duty or responsibility within our Child Safe Code of Conduct, ACS will take appropriate action.

Report Any Concerns

12.17 It is ACS' policy that any breach of the Child Safe Code of Conduct is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, any breach of this Code of Conduct must report their concern internally and, if required, also externally.

12.18 Staff who, in good faith, make an internal report alleging a breach of the Child Safe Code of Conduct will be protected from victimisation or other adverse consequences.

12.19 Our Child Protection Policy includes information about how to identify key indicators of child abuse or other harm and how to report child safety incidents or concerns internally. It also contains detailed procedures with respect to the reporting of child safety incidents or concerns to relevant authorities.

12.20 Parents/carers, family members or other community members who witness or suspect that there has been a breach of this Code of Conduct or have concerns that a child or young person associated with ACS may be subject to abuse or harm from a member of Staff, a Volunteer or a Contractor, should contact the School's Principal, or if the concern relates to the Principal, the CEO.

12.21 A concern may also be raised through ACS' Complaints and Grievance Policy and Procedures.

12.22 Communications will be treated confidentially on a 'need to know basis'.

12.23 Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.

13. RECORD KEEPING

Child Safety Record Keeping

13.1 Effective record keeping about child safety at ACS is one of ACS' key strategies in the management of its child safe organisation and child protection obligations, including the fulfillment of our duty of care.

13.2 It is through such record keeping that ACS can ensure that, should there ever be a need for evidence of ACS' child safe culture, of the precautions and preventative measures taken in response to the risk of child abuse or other harm, or of ACS response to particular child safety incidents or concerns, ACS has well-documented and easily accessible records.

Records of Child Safety Incidents or Concerns

13.3 The Principal is responsible for keeping all records relating to child safety incidents or concerns, including records of incidents, allegations, complaints, investigations and findings made under this Policy, up-to-date and secure.

13.4 Records are located on the school system. Records about child safety incidents or concerns must be stored securely and maintained indefinitely.

13.5 Where the child safety incident or concern relates to an allegation against a staff member, Volunteer or Contractor (including about breaches of the Child Safe Code of Conduct), records may also be maintained as part of reportable conduct records and our Human Resources Management records.

Documenting the Child Safety Incident or Concern and ACS' Response

13.6 Documenting observations and communications about all child safety incidents or concerns, including those that do not meet the relevant threshold for external reporting, ensures that:

13.6.1 all information about individual students can be taken into account should future child safety incidents or concerns arise

13.6.2 any patterns that might arise from child safety incidents or concerns can inform reviews of our Child Safety Policy.

13.7 Therefore, all observations of and verbal and written communications about child safety incidents or concerns (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented, regardless of whether the child safety incident or concern meets the relevant thresholds for external reporting. The records should include dates and times and enough detail to record key observations or conversations, especially those relating to the student's disclosure.

13.8 In addition, where a member of the Executive Team, staff member, Volunteer, Contractor or other member of ACS community:

13.8.1 knows or suspects on reasonable grounds that a student is at risk of significant harm, such that a Voluntary Report or a Mandatory Report has been or will be made; or

13.8.2 knows or believes that a child abuse offence has been committed against a student, such that a Report to Police has been or will be made, written and dated notes of their observations and concerns must be recorded to assist in reporting the concerns to the Department of Communities and Justice (DCJ) or Police.

How to Document the Child Safety Incident or Concern

13.9 ACS requires all members of ACS community to use the Child Protection reporting method to record all child safety incidents and concerns including observations, beliefs, suspicions, disclosures or allegations of child abuse or other harm and regardless of whether the alleged perpetrator may be a parent/carer, other student, staff member, Volunteer, Contractor or any other person.

13.10 It is important to note that it is not your role to quiz the child, young person or other person or person making the disclosure or allegation. You should only record what information is observed or offered during the disclosure or allegation and then be sure to report the matter to the Principal and any relevant external agencies in line with your legal obligations.

13.11 Any other notes and records obtained or made by Staff, Volunteers and Contractors regarding child safety incidents or concerns should also be given to the Principal. For example, these may include:

13.11.1 handwritten notes taken during a disclosure by a student

13.11.2 copies of any written reports made to the Police or external bodies about the matter

13.11.3 if the allegation includes claims of inappropriate online activity, any digital copies of correspondence between the student and the person or staff member who is the subject of the allegation.

13.12 ACS maintains records of these forms indefinitely. Records relating to a child safety incident or concern are only disposed of subject to law or policy.

Reportable Conduct Records

13.13 When a reportable allegation is made, certain information must be documented throughout the Reportable

Conduct process:

13.13.1 the allegation

13.13.2 ACS' initial response to the person making the allegation

13.13.3 the alleged victim(s) and the employee who is the subject of the allegation

13.13.4 any communication with the Police or other authorities

13.13.5 a plan detailing how the investigation is to be carried out including any notifications to Police or other authorities

13.13.6 the risk assessment conducted by the Principal and outlined above

13.13.7 all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times.

13.13.8 any decision made, both during and at the conclusion of the investigation, including their rationale, the position and name of the person making the decision and the date the decision was made

13.13.9 any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the contact, details of their position and where appropriate, the reason for the contact)

13.13.10 a summary report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final risk assessment (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been taken.

13.14 Where possible, records should be verbatim, verified, signed and dated by all involved.

13.15 These records are kept on a file that is separate to the employee's personnel file and are maintained indefinitely.

Record Keeping about Information Sharing

13.16 When information about the safety, welfare and wellbeing of a student at ACS, or any person related to the student, is shared, this must be appropriately documented.

13.17 These records must include information about who shared the information and why, who it was shared with, whether it was shared pursuant to a statutory or other

legal obligation, the approval of the Principal to share the information, and the dates of the request and of the provision of the information.

13.18 These records are maintained indefinitely. Records relating to information sharing about child safety incidents or concerns are only disposed of in accordance with legislation.

13.19 ACS maintains records of all child safety training completed.

Recording Other Child Safety Actions

13.20 Section 6F of the Civil Liability Act 2002 (NSW) imposes a duty of care on ACS to take reasonable precautions to prevent an individual associated with ACS from perpetrating physical or sexual abuse of a child in connection with ACS' responsibility for the child. If the victim of physical or sexual abuse alleged to have occurred at ACS or to have involved Staff, Volunteers or Contractors, brings a negligence claim against ACS, a court will presume that ACS breached its duty of care unless ACS can prove that it took reasonable precautions to prevent the abuse.

13.21 Whether or not ACS took reasonable precautions will be assessed by a court in accordance with considerations set out in the Civil Liability Act and case law. The effective implementation of ACS' risk management strategies is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.

13.22 It is critical that ACS maintains accurate and comprehensive records not only of child safety incidents and concerns involving Staff, Volunteers and Contractors, but also of:

13.22.1 actions taken in response (including systemic reviews and resulting improvements)

13.22.2 at least annual reviews of and improvements to our child safety policies, procedures, work systems and strategies

as these could be required as evidence in relation to possible future negligence claims against ACS for damages in respect of child physical or sexual abuse. These records must be kept for at least 50 years.

14. SHARING INFORMATION RELATING TO STUDENTS' WELLBEING

14.1 Also refer to ACS' Child Protection Policy.

Information Sharing with Consent

14.2 Information can be shared with anyone and for any purpose, with the informed consent of the student or their parent/carer.

14.3 ACS seek the informed consent of the child or young person, and/or that of their parents/carers, before sharing information about a child, young person or their parents/carers, except where to do so would put the child or young person at an increased risk of harm to their safety, welfare or wellbeing.

What is Consent?

14.4 ACS adopt the definition of consent as free and voluntary agreement.

14.5 For consent to be 'informed consent' certain principles must be fulfilled:

14.5.1 the person giving the consent must have the capacity to make the decision about the specific issue at the specific time

14.5.2 the consent must be voluntarily given, free from manipulation or undue influence

14.5.3 the consent discussion must be transparent, well-balanced and involve two-way communication sensitive to the situation

14.5.4 the information is provided in a language or by a means that the person can understand

14.5.5 the person has sufficient time to consider and

clarify the issues in order to make an informed decision;
and

14.5.6 the information provided and the consent given relate to the specific information sought to be shared.

14.6 Consent may be explicit, meaning agreement is given verbally or in writing. Consent can also be implied, meaning information sharing is inherent to the nature of the service sought.

14.7 As a general principle, a child or young person under the age of 18 has capacity to give informed consent when they have sufficient understanding and maturity to understand what is being proposed.

14.8 Sufficient understanding and maturity in children and young people are assessed on a case-by-case basis.

14.9 If it is not practicable or reasonable for ACS to assess the capacity of children or young people under the age of 18 on a case-by-case basis, ACS' policy is to presume:

14.9.1 that a young person aged 15 years or over has capacity to consent, unless there is something to suggest otherwise

14.9.2 that a child aged under 15 years of age does not have capacity to give informed consent.

14.10 In circumstances where the child or young person lacks the capacity to give informed consent, it may be appropriate for a parent/carer to consent on their behalf.

Protocols for Gaining Informed Consent

14.11 Informed consent in relation to information sharing means that the child or young person and/or their parent/carer understands the purpose of the information sharing request and the likely outcomes of them giving consent.

14.12 Gaining consent can be done using one or more of the following protocols:

14.12.1 Explain to the child or young person, and/or their parent/carer, why information sharing is important, who it is designed to support and the intended outcomes.

14.12.2 Explain what circumstances may arise where information may be shared without the consent – refer to Step 6 of the Steps to Information Sharing and Sharing Information with Other Agencies for more information.

14.12.3 Revisit a child or young person's, and/or their parent/carer's, consent if the information sharing being considered is significantly different to the original consent or a significant amount of time has passed since consent was first given.

14.12.4 Tailor the explanation approach to take account of children or young people, and parents/carers, from culturally and linguistically diverse backgrounds or with different cognitive capabilities and communication needs.

14.12.5 Ask the child or young person, or their parent/carer, to explain the request in their own words and why they have given or withheld their consent.

Information Sharing without Consent

14.13 ACS may share information without consent with anyone who has a legitimate purpose for having the information, but only where there is a legitimate reason for sharing the information without consent, all steps to information sharing are satisfied and approval has been gained from the Principal.

Legitimate Purpose

14.14 A **legitimate purpose** may include, but is not limited to:

14.14.1 where information is being shared pursuant to a statutory regime, any purpose that is set out in the relevant legislation

14.14.2 where information is being shared pursuant to a court order, any purpose that is related to the relevant court proceedings

14.14.3 in any other case to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:

- alerting a person or organisation to a child or young person's urgent need for a service (e.g. counselling)
- diverting a child or young person from harming themselves
- protecting groups of children or young people from potential harm
- protecting school community members from potential harm
- protecting other organisations from situations of danger to children or young people
- protecting a child or young person from being abused or otherwise harmed or from being at risk of abuse or other harm.

Legitimate Reason

14.15 A legitimate reason for sharing information without consent may include, but is not limited to:

14.15.1 the student, or their parent/carer, clearly does not have the capacity to give informed consent;

14.15.2 it would put the child or young person at risk of harm to their safety, welfare or wellbeing by seeking that consent; and

14.15.3 the sharing of information will enable the provision of assistance to or the protection of a child, young person or their family, or a group of children or young people.

Whose information can I share without consent?

14.16 Provided that the receiving person or body has a legitimate purpose for having the information, there is a legitimate reason for sharing the information without consent, all steps to information sharing are satisfied and approval has been gained from the Principal, ACS may share information about the following people without consent:

14.16.1 children and young people aged under 18 years who are considered to face immediate or anticipated serious threat to their safety, welfare or wellbeing, as well as

- any siblings of the child or young person under threat
- any family member of the child or young person under threat
- any other person who is a close associate of the child or young person under threat

14.16.2 teachers who are transferring to another school (irrespective of jurisdiction) who may pose a threat to the safety, welfare or wellbeing of children or young people

14.16.3 non-teaching Staff, including Direct Contact

and Regular Volunteers and Direct Contact or Regular Contractors, who may be transferring to or working at another school (irrespective of jurisdiction) or another organisation, and who may pose a threat to the safety, welfare or wellbeing of children or young people

14.16.4 students transferring to another school who:

- may have engaged in harmful sexual behaviours that may pose a threat to the safety, welfare or wellbeing of other children or young people; or
- may have particular educational or support needs for their safety, welfare and wellbeing.

Procedure for Making Decisions about Information Sharing

14.17 Deciding whether to share information can be difficult. If you are in an information sharing situation and are still unsure of whether the information can be shared, ACS may seek professional legal advice to assist.

Steps to Information Sharing

14.18 When an authorised information sharer, whether pursuant to a request or at their own instigation, shares information on behalf of ACS, it is important to follow these steps to information sharing

1. Verify the Identity of the Person Receiving Information

If a person makes an information sharing request to ACS or with whom it is proposed to share information and is not known to ACS, an authorised information sharer must verify the person's identity by:

- calling the individual back at the organisation's number; or
- calling a more senior person in the organisation to verify the identity of the individual.

Verification of the person's identity should be recorded in

the information sharing records.

If an authorised information sharer believes that a person has misrepresented themselves when making an information sharing request or receiving information from school, this may represent an offence of fraud.

2. Determine the Reasons for Sharing Information

Information can be shared for any reason, at the request of or with the informed consent of the student or their parent/carer.

In all other cases, ACS may share information with anyone who has a legitimate purpose for having the information. For more information, refer to Information Sharing Without Consent in this Policy.

The reasons for sharing information could therefore include:

- the student and/or their parent/carer has requested that the information be shared and has given informed consent
- the information is being shared pursuant to a court order
- the information is being shared pursuant to a statutory regime (noting that, if the information is to be shared without consent, it must be for a legitimate purpose that is set out in the relevant legislation and there must be a legitimate reason for sharing the information without consent)
- in all other cases, information may only be shared to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:

- > alerting a person or organisation to a child's need for a service (e.g. counselling)
- > diverting a child from harming themselves
- > protecting groups of children from potential harm
- > protecting school community members from potential harm

- > protecting other organisations from situations of danger to children
- > protecting a child from being abused or otherwise harmed or from being at risk of abuse or other harm.

3. Confidential Information

Confidential information cannot be shared by ACS in any situation which would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to enforcement of a law to be determined
- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

Authorised information sharers must determine whether there is any confidential information involved in the information sharing request.

4. Gaining Consent

Authorised information sharers at ACS should follow the Protocols for Gaining Consent with the child or young person and, where appropriate, their parent/carer.

If consent is unable to be sought or obtained, authorised information sharers should look at Step 5 and Step 6.

5. Safety and Consent

Authorised information sharers at ACS should not seek consent from the child or young person, or their parent/carer, if:

- the child or young person, or their parent/carer, clearly does not have the capacity to give informed consent;

or

- it would put the child or young person at risk of harm to their safety, welfare or wellbeing by seeking that consent.

Examples of situations which may place the child or young person at risk if consent is sought could include when the child or young person may:

- be moved out of reach of ACS
- be coached or coerced by other people to cover up harmful behaviour, incidents or evidence
- be at risk of significant harm as a result of having provided consent
- assault or threaten to assault others
- engage in self-harming behaviours.

If an authorised information sharer believes they are unable to seek consent, whether from a child or young person who otherwise would have the capacity to give informed consent or from a parent/carer, they should also consider whether it is appropriate to make a mandatory report or other external report in line with Step 7.

6. Sharing Without Consent

Authorised information sharers at ACS should only share information without consent if the person receiving the information has a legitimate purpose for having it, there is a legitimate reason for sharing the information without consent, all steps to information sharing are satisfied and approval has been gained from the Principal. Authorised information sharers at ACS should refer to Information Sharing Without Consent in this Policy for guidelines on legitimate purpose and legitimate reason.

Gaining approval is outlined in Step 8: Information Sharing Process.

7. External Reporting

All Staff, including authorised information sharers, must comply with their obligations under Mandatory Reporting to DCJ, Voluntary Reporting to DCJ, Reporting to Police and Reportable Conduct as outlined in this Policy.

8. Information Sharing Process

Staff should seek approval from the Principal before responding to an information sharing request, or before providing information on their own initiative, to record Steps 1-6 (if appropriate) and sending it to the Principal for consideration. The Principal must then record their approval before any information is supplied.

9. Record Management Procedures

We capture key data relating to individual information sharing requests. Maintenance of the Register is the responsibility of the Principal.

The Information Sharing Register is reviewed in Executive Team meetings and key information is provided as necessary to the CEO/Board.

Source of Obligation

14.19 ACS is a “prescribed body” for the purposes of Chapter 16A of the Care and Protection Act.

14.20 Mandatory Information Sharing with DCJ and between Prescribed Bodies

14.20.1 ACS must comply with a direction from the Department of Communities and Justice (DCJ) made under section 248 of the Care and Protection Act to provide DCJ with information relating to the safety, welfare and well-being of a particular child or young person or a class of children or young people.

14.20.2 Prescribed bodies must comply with a request from another prescribed body made under section 245D of the Care and Protection Act for information relating to the safety, welfare and wellbeing of a

particular child or young person or a class of children or young people if:

14.20.3 The prescribed body reasonably believes, after having been provided with sufficient information by the other prescribed body, that the information may assist the other prescribed body to:

> to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young person; or

> to manage any risk to the child or young person (or class of children or young persons) that might arise in the agency’s capacity as an employer or designated agency.

14.20.4 However, ACS is not required to comply with requests under section 245D if there is an exemption to the information sharing requirement.

Voluntary Information Sharing

14.21 Under section 245C of the Care and Protection Act, prescribed bodies may voluntarily share information relating to the safety, welfare or wellbeing of a particular child or young person or a class of children or young people with other prescribed bodies or DCJ if the prescribed body reasonably believes that the information may assist the other prescribed body to:

14.21.1 to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young persons; or

14.21.2 to manage any risk to the child or young person (or class of children or young persons) that might arise in the agency’s capacity as an employer or designated agency.

14.22 The information can be shared regardless of whether or not a request has been made for the information.

14.23 ACS will comply with all Chapter 16A requests for information by DCJ and other prescribed bodies whenever:

14.23.1 ACS has formed the required reasonable belief under the relevant section; and

14.23.2 no exemption to the information sharing exists.

14.24 ACS will voluntarily share information with DCJ and other prescribed bodies under Chapter 16A whenever:

14.24.1 ACS has formed the required reasonable belief under the relevant section; and

14.24.2 no exemption to the information sharing exists, regardless of whether DCJ or the other prescribed body has requested the information.

Consent to Information Sharing between Agencies

14.25 ACS can share information with or seek information from DCJ or another prescribed body under Chapter 16A without the consent of the child or young person or their family.

14.25.1 wherever possible, informed consent to the information sharing is sought from the child or young person and/or their parents/carers

14.25.2 at enrolment, parents/carers are informed that information about students may be, or is, provided to other organisations.

Who is authorised to share information under the Care and Protection Act?

14.26 At ACS, the Principal and CEO are authorised to exchange information with DCJ and with other prescribed bodies on behalf of ACS.

14.27 Any request for information made by a prescribed body that is received by a member of Staff must be directed to the Principal for response. However, if the information sharing request is about the Principal, the CEO is responsible for recording, investigating and managing that request. Any such request should therefore instead be directed to the CEO for response.

14.28 Any proposal by a member of staff that information should be shared voluntarily with a prescribed body without a request having been made must be made to the Principal.

14.29 Any information from another prescribed body that is sought by a member of Staff must be put to the Principal so that a request for information from that body can be made by the Principal.

Who is a prescribed body with whom information can be shared?

14.30 ACS is a "prescribed body." Under Chapter 16A of the Care and Protection Act it can share information with and receive information from various other prescribed bodies including:

14.30.1 NSW Police

14.30.2 a Public Service agency or public authority

14.30.3 a government or non-government school

14.30.4 a TAFE establishment

14.30.5 a public health organisation

14.30.6 a private health facility

14.30.7 the Family Court of Australia

14.30.8 the Federal Circuit Court of Australia

14.30.9 the Commonwealth Department of Human Services

14.30.10 the Commonwealth Department of Immigration and Border Protection

14.30.11 nurses

14.30.12 medical practitioners

14.30.13 midwives

14.30.14 psychologists

14.30.15 occupational therapists

14.30.16 speech pathologists eligible for membership of Speech Pathology Australia

14.30.17 community housing providers

14.30.18 any organisation whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.

14.31 While DCJ is not specifically mentioned in the legislation or the regulations as a prescribed body, in 2010 DCJ trialled using Chapter 16A instead of section 248 to seek information about children and young people, and as a result now primarily uses section 245C and 245D to provide and request information from prescribed bodies.

Grounds for Sharing Information between Prescribed Bodies

14.32 Under sections 245C and 245D, a prescribed body may request information from or provide Information to another prescribed body if it reasonably believes that the provision of the Information would assist the recipient of the Information to:

14.32.1 make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons

14.32.2 manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

Exemptions to Information Sharing

14.33 Exemptions to Chapter 16A's mandatory sharing of Information provisions (but to not directions under section 248) are set out in section 245D(4).

14.34 Under that section, ACS does not have to provide any requested information if it reasonably believes that to do so would:

14.34.1 prejudice the investigation of a contravention (or possible contravention) of a law in any particular case

14.34.2 prejudice any care proceedings

14.34.3 contravene any legal professional or client legal privilege

14.34.4 enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained

14.34.5 endanger a person's life or physical safety

14.34.6 prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention (or possible contravention) of a law

14.34.7 not be in the public interest.

Procedure for Making a Request for Information to a Prescribed Body

14.35 If a school staff member wishes to request Information from a prescribed body under section 245D, the request must be made to the Principal, who will consider whether or not to make the request for information to the prescribed body.

14.36 The Principal should first try to contact the prescribed body by phone before making the request to discuss ACS' Information needs and ensure the request is well targeted. Then, a request that the information be provided must be made in writing, containing sufficient information to enable the prescribed body to consider the request.

Procedure for Responding to an Information Request from a Prescribed Body

14.37 When an information sharing request is received, the following steps must be followed:

14.37.1 if the request is received by a person other than the Principal, the request must be forwarded to the Principal

14.37.2 the Principal must determine if sufficient information has been given by the prescribed body to determine whether he or she reasonably believes that the Information would assist the recipient of the information to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

14.37.3 if **sufficient information** has not been given the Principal may decline the request

14.37.4 if **sufficient information** has been given the Principal must:

- comply with the request and provide the information to the prescribed body in accordance with section 245D(3); or
- decline to comply with the request to provide the information to the prescribed body, if grounds for an exemption under section 245D(4) apply.

14.38 If the Principal declines to provide information in response to a request made under section 245D, they must provide the requesting prescribed body with reasons in writing for refusing the request.

14.39 Information can be shared verbally or in writing.

Procedure for Providing Information to a Prescribed Body without a Request

14.40 If a staff member proposes that information should be shared with a prescribed body without a request having been made, this request must be made to the Principal for their consideration and action.

14.41 The Principal must determine whether they reasonably believe that the provision of the Information would assist the proposed recipient of the Information to:

14.41.1 make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons

14.41.2 manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

14.42 If so, the Principal will share the information unless an exemption under section 245D(4) applies. Information can be shared verbally or in writing.

Restriction on Use of Information

14.43 If any information is provided to ACS under Chapter 16A, ACS must not, except as otherwise required or permitted by any law, use or disclose the Information for any purpose that is not associated with the safety, welfare or wellbeing of the child or young person (or class of children or young persons) to whom the information relates.

Protection from Liability

14.44 If any person, acting in good faith, provides Information in accordance with Chapter 16A or a direction under section 248, that person is not liable to any civil or criminal action, or any disciplinary action, for providing such Information. The person cannot be held to have breached any code of professional etiquette or ethics or to have departed from any accepted standards of professional conduct.

Key Definitions

Sufficient Information

14.45 “Sufficient information” is not a defined term in Chapter 16A. However, DCJ explanatory documents set out the kind of information that should be included in any request to share information:

- the identity of the person who is the subject of the Information request and, if it is not a child or young person, identify the subject’s relationship to the child or young person and provide any particular identifying information so that the prescribed bodies can be sure that they are talking about the same person
- an explanation of how the request for Information relates to the safety, welfare or wellbeing of the child or young person (or class of children or young people)
- an explanation of why the information will assist the prescribed body to make a decision, assessment or plan, or to initiate or conduct an investigation, or to provide any service, or to manage any risk to the child or young person
- a sufficient level of detail to assist the other prescribed body to understand the purpose of the request and to locate the relevant information in an efficient manner

- a background to the request, including whether or not the prescribed body has informed a child, young person or parent/carer that the information has been sought and if not, why not (for example, where there are safety concerns)
- an indication of the time period for which the information is sought (e.g. for the last six months, three years) and the type of information sought
- a realistic timeframe for the prescribed entity to provide the information noting that communicating/ negotiating a due date is best practice as it promotes collaboration and can ensure urgent matters are prioritised (unless the information is for court proceedings where a more limited time frame may be required).

Complying with Court Orders (Information Sharing) Subpoena and Witness Summons

14.46 A subpoena or witness summons is a court order that compels ACS and/or its Staff to produce documents or attend court and give evidence, or both. When the Principal or a staff member is served with a subpoena or witness summons, this will generally be because a party to legal proceedings believes that ACS, the Principal or a staff member has information or documents that are relevant to the proceeding.

14.47 In general, subpoenas and witness summons must be complied with. The consent of the person to whom the information or documents pertain is not required and need not be sought.

14.48 However, subpoenas and witness summons can be challenged in certain circumstances. ACS will seek external legal advice and support for any staff member relating to complying with subpoenas or witness summons.

Court Ordered Restrictions on Information Sharing

14.49 Courts may, in a variety of types of proceedings, restrict the sharing of information about children and young people. These can include:

14.49.1 restrictions in Family Law Orders that may prevent information being shared with a parent/carer

14.49.2 Family Law or Children's Court orders that remove parental responsibility from a parent/carer

14.49.3 criminal law matters such as Apprehended Violence Orders that prevent a person from knowing the whereabouts of a parent/carer or their child.

14.50 If there is a court-ordered restriction on information sharing about a student at ACS, a copy of the Court Order must be provided to ACS and held with the student's records.

14.51 Where such an order has been provided, the relevant information cannot be shared with the people set out in the order.

Information Sharing Record Keeping

14.52 ACS must record any information sharing that occurs in relation to the wellbeing of students. Records must be kept of all requests received by and information provided to ACS, which information must be documented and stored securely, separate from the student's records.

14.53 Information sharing requests and disclosures must be recorded.

14.54 When a request has been received, ACS should record the:

14.54.1 name of the entity/individual making the request

14.54.2 information that was requested

14.54.3 date on which the request was made.

14.55 When disclosing voluntarily or in response to a request, ACS should record:

14.55.1 the name of the entity/individual who received the information

14.55.2 the reason the information was shared, including whether there was a legitimate purpose for sharing the information

14.55.3 if the request was made by a prescribed body, whether sufficient information has been given

14.55.4 the date on which the information was disclosed

14.55.5 a description of the information that was disclosed

14.55.6 whether the views of the child or young person and/or their relevant family members were sought, and consent obtained

14.55.7 the written approval of the Principal to share the information including confirmation that the Steps to Information Sharing were followed.

14.56 When making a request, ACS should record the:

14.56.1 date of the request

14.56.2 name of the entity/individual that the request was made to

14.56.3 information that was sought

14.56.4 the reason why the information was sought and whether it relates to a legitimate purpose.

15. OUR CHILD SAFE CULTURE

The safety of students is dependent on the existence of a child safe culture within our school community.

We have developed the following work systems, practices, policies and procedures designed to create a child safe culture including:

- Establishing key child safety standards in our Child Safe Policy
- Establishing clear expectations for appropriate behaviour with students
- Educating our Staff and Direct Contact Volunteers through training
- Clear procedures for reporting a child safety incident or concern internally, including alleged or suspected incidents of child abuse or other harm
- Clear procedures for reporting child safety concerns externally, including Mandatory Reporting to DCJ, Voluntary Reporting to DCJ, Reportable Conduct, and Reporting to Police
- Recognition that students from culturally and/or linguistically diverse backgrounds have the right to special care and support
- Recognition that students with a disability have the right to special care and support
- Clearly defining the child safety responsibilities of personnel involved in protecting students
- Establishing comprehensive child safety record keeping procedures to ensure that ACS can evidence reasonable precautions taken to prevent abuse and other harm at ACS in accordance with our Risk Management strategies

16. CHILD SAFETY RISK MANAGEMENT

16.1 ACS has developed a comprehensive Risk Management Program that was drafted in accordance with the principles and standards of the International Risk Management Standard AS/ISO 31000.

16.2 ACS implements our Risk Management Program to adopt a risk management approach to child safety by developing and implementing strategies to identify and mitigate our child safety risks based on:

16.2.1 the nature of all school environments (physical, online, on-campus or off-campus)

16.2.2 the activities students undertake at ACS (including those provided by Contractors or External Education Providers, whether inside or outside ACS' physical environment)

16.2.3 the characteristics and needs of all our students, including age, gender mix, Aboriginal and Torres Strait Islander students, students from linguistically and/or culturally diverse backgrounds and students with a disability.

16.3 ACS conducts a risk assessment of its environments, activities, characteristics and needs of students and control measures (systems, policies and procedures) at least annually to ensure that all child safety risks are identified and that there aren't gaps in our child safety strategies and systems that a person motivated to harm, or abuse students could exploit.

Risk Management Strategies

16.4 ACS has implemented the following risk mitigation strategies to ensure that ACS maintains a proactive approach to our duty of care to protect students from harm and complies with our legal and regulatory obligations:

- This Child Safe Policy and Child Safe Code of Conduct
- A Staff Code of Conduct Policy, implemented through training and communicated publicly
- Induction and ongoing child safety training provided to staff, and direct contact volunteers annually
- Procedures relating to excursions and camps ensuring that child safety risks specific to excursions and overnight stays are identified and controls are put in place
- Reviews of all physical school environments to eliminate physical isolation risks, such as solid classroom doors or rooms with no windows, and procedural controls where elimination is not possible
- Regular monitoring, and ongoing period reviews, of the online school environment and electronic communications, to identify and eliminate online risks
- Requirements to verify the Working with Children Check status
- Clear procedures for reporting Reportable Conduct to the NSW Children’s Guardian to ensure all risks specific to employee conduct are identified and controls are put in place
- Identifying and recording all risks of child abuse and other harm in all school environments

17. WORKING WITH CHILDREN CHECKS

17.1 Please refer to the ACS Child Protection Policy.

18. SAFE AND SUPPORTIVE ENVIRONMENTS

18.1 Section 47 of the Education Act 1990 (NSW) sets out 13 requirements for registration for non-government schools in NSW. One of these requirements, under section 47(g) of the Act, is that “a safe and supportive environment is provided for students”.

18.2 The NSW Education Standards Authority (NESA) has published the Registration Manual which provides information about the requirements for registered and accredited non-government schools under the Education Act 1990 (NSW).

18.3 The requirement for a safe and supportive environment for students at ACS is divided into two distinct categories:

18.3.1 compliance with child protection legislative requirements

18.3.2 policies and procedures for student welfare and safety

18.4 NSW Registration Authority has set out ACS’ responsibilities in relation to the legislative requirements for child protection in the Registration Manual.

18.5 The table below sets out each requirement with and a summary of how we comply with that requirement.

18.6 ACS’ Child Safe Policy addresses the requirements related to compliance with child protection legislation, while ACS’ Student Duty of Care policies and procedures focus on compliance with child safety and welfare requirements.

18.7 ACS has implemented the Child Safe Policy in accordance with NSW Registration Authority registration requirements for compliance with child protection legislative requirements.

Requirement	Short Description	How ACS Complies with the Requirement
1	Staff who have direct contact with students are informed annually of their legal responsibilities related to child protection, and other relevant school expectations.	Developed a comprehensive Child Safe Policy that ensures ACS' compliance with the National Principles for Child Safe Organisations and NSW child protection laws. All Staff, Board members and Direct Contact Volunteers are required under our Child Safe Policy to complete at least annual training. This training includes education on legal responsibilities and ACS' expectations for all adults in ACS community interacting with students. ACS maintains records of the training provided to all Staff, Board members and relevant Volunteers and Contractors.
2	Requirements to notify and investigate allegations of reportable conduct are made known to staff annually.	Developed and implemented a Reportable Conduct process. for staff to report Reportable Conduct internally as well as procedures for ACS to investigate and report allegations and findings of staff misconduct to the NSW Children's Guardian in accordance with ACS' legislative requirements under the Children's Guardian Act 2019 (NSW). Our child safety training program includes education on Reportable Conduct.
3	All persons engaged in child-related work at ACS have a Working with Children Check clearance.	No staff member or Direct Contact Volunteer is engaged by ACS prior to the verification of a valid WWCC/WWVP/Blue Card. ACS' Working with Children Checks process outlines the respective responsibilities of workers engaged by ACS in child-related work and of ACS.
4	ACS maintains evidence of working with children check clearances for all persons in child-related work at ACS.	Developed and implemented a comprehensive Child Safety Record Keeping process that details ACS' procedures for recording and maintaining key child safety-related documentation. A WWCC/WWVP/Blue Card Register is created and maintained by HR for WWCC Records to ensure that ACS can, at all times, evidence that every worker involved in child-related work at ACS has a valid WWCC/WWVP/Blue Card – subject to statutory exemptions.
5	ACS responds to reportable matters in accordance with legislative requirements.	Developed and effectively implemented procedures for Responding to and Reporting Child Safety Incidents or Concerns to ensure compliance with legislative reporting requirements for all Staff, Board members and relevant Volunteers and Contractors.

Requirement	Short Description	How ACS Complies with the Requirement
6	All staff who are mandatory reporters are informed annually of their obligations and the process that ACS has in place in relation to mandatory reporting.	<p>Developed and implemented a Mandatory Reporting to DCJ process that explains the legal obligation of mandatory reporters to DCJ report reasonable suspicions of risk of significant harm to a child or group of children at ACS.</p> <p>ACS' mandatory reporters are trained at least annually on their reporting obligations under the Children and Young Persons (Care and Protection) Act 1998 (NSW).</p>
7	ACS sets clear guidelines and expectations for stakeholders regarding complaints or allegations of staff misconduct or Reportable Conduct.	<p>Child Safe Code of Conduct that set out guidelines for expected standards of behaviour at ACS.</p> <p>Complaints and Grievance Policy that sets out how complaints or allegations of staff misconduct or reportable conduct are managed at ACS. Our Policy is also available on ACS' public website.</p>

19. COMPLIANCE WITH CHILD SAFETY STANDARDS

19.1 ACS has established and implemented our Child Safe Policy in accordance with the National Principles for Child Safe Organisations.

The National Principles for Child Safe Organisations

19.2 The National Principles for Child Safe Organisations (National Principles) were developed by the

Australian Human Rights Commission in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Principles are comprised of 10 Principles that were informed by, but go further than, the 10 Child Safe Standards recommended by the Royal Commission.

19.3 The table below sets out each Principle with a summary of how ACS complies.

National Principles for Child Safe Organisations	How ACS Complies with the Standard and Principle
<p>Principle 1: Committed Leadership, Governance and Culture Child safety and wellbeing is embedded in organisational leadership, governance and culture</p>	<p>School leadership and governance promote an inclusive welcoming environment for children and young people and provide the foundation for transparent, accessible and risk-based approaches to ensure child safety and wellbeing.</p> <ul style="list-style-type: none"> • The Child Safe Policy, Child Safety Responsibilities and Child Safety Code of Conduct • Responding to and Reporting Child Safety Incidents or Concerns • Child Safety Risk Management • Regular Reviews and Continuous Improvement • Child Safety Training • Student Wellbeing is a standing agenda item for all relevant Executive and Board meetings.
<p>Principle 2: Children and Young People are Safe, Informed and Participate in the Organisation Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously</p>	<ul style="list-style-type: none"> • Child Safe Code of Conduct • Participation and Empowerment of Students, including: <ul style="list-style-type: none"> • Educating Students about Child Safety • Students with a Disability and Students from Culturally and Linguistically Diverse Backgrounds • Student Duty of Care including: <ul style="list-style-type: none"> >Bullying Prevention and Intervention >Harassment (Student against Student)

National Principles for Child Safe Organisations	How ACS Complies with the Standard and Principle
	<ul style="list-style-type: none"> > Cyber Safety > Social Media – Student Usage <ul style="list-style-type: none"> • Regular Review and Continuous Improvement
<p>Principle 3: Families and Communities Involved in Safety Settings Families and communities are informed, and involved in promoting child safety and wellbeing</p>	<ul style="list-style-type: none"> • Child Safe Policy • Complaints and Grievance Policy • Sharing Information Relating to Students’ Wellbeing • Regular Review and Continuous Improvement
<p>Principle 4: Equity Upheld and Diversity Respected Equity is upheld and diverse needs respected in policy and practice.</p>	<ul style="list-style-type: none"> • Child Safe Policy • Strategies for Students with a Disability and Students from Culturally and Linguistically Diverse Backgrounds • Regular Review and Continuous Improvement
<p>Principle 5: Robust Recruitment and Screening People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice</p>	<ul style="list-style-type: none"> • Child Safety Human Resources Management, which includes: <ul style="list-style-type: none"> > Child Safety Recruitment Practices > Screening and Suitability Assessment Procedures > Working with Children Checks > Child Safety Training, Supervision and Performance Monitoring of Staff, Volunteers and Contactors
<p>Principle 6: Effective Complaints Management Processes to respond to complaints and concerns are child focused</p>	<ul style="list-style-type: none"> • Responding to and Reporting Child Safety Incidents or Concerns • Complaints and Grievance Policy • Child Safety Record Keeping • Child Safety Training • Regular Review and Continuous Improvement
<p>Principle 7: Ongoing Education and Training Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training</p>	<ul style="list-style-type: none"> • Child Safety Human Resources Management, in particular, Child Safety Training • Child Safe Code of Conduct • Definitions and Key Indicators of Abuse and Other Harm • Responding to and Reporting Child Safety Incidents or Concerns

National Principles for Child Safe Organisations	How ACS Complies with the Standard and Principle
<p>Principle 8: Safe Physical and Online Environments Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed</p>	<ul style="list-style-type: none"> • Child Safety Risk Management • Child Safe Code of Conduct • Regular Reviews and Continuous Improvement
<p>Principle 9: Regular Improvement Implementation of the national child safe principles is regularly reviewed and improved</p>	<ul style="list-style-type: none"> • Regular Reviews and Continuous Improvement • Child Safety Risk Management • Child Safety Record Keeping
<p>Principle 10: Child Safety and Wellbeing Policies and Procedures Policies and procedures document how the organisation is safe for children and young people</p>	<ul style="list-style-type: none"> • Child Safe Policy

20. REGULAR REVIEWS AND CONTINUOUS IMPROVEMENT

20.1 Creating a child safe environment is an ongoing process of improvement. Regular audits and review processes enable ACS to monitor the efficacy of our policies and procedures when responding to child safety concerns and ensures that they remain up to date with any legislative changes. ACS is committed to establishing effective links between the reporting of child safety concerns and ACS' continuous improvement processes, so that reporting concerns better ACS' approach to child safety.

Regular Reviews

20.2 ACS has implemented a system for reviewing our Child Safe Policy at least every two years and actioning incremental improvements to our child safety policies and procedures.

20.3 ACS will review its child safety policies and procedures ahead of this schedule in the event of:

20.3.1 a consistent issue being regularly raised in complaints and/or other feedback from ACS community

20.3.2 a change in law, regulation or best practice

20.3.3 following any externally reportable child safety incident or concern occurring at or involving ACS.

20.4 As part of our regular reviews, ACS considers:

20.4.1 the level of internal compliance with ACS' Child Safe Policy, noting any significant breaches

20.4.2 any child safety incidents that occurred during the year, noting frequency and possible contributing factors

20.4.3 the process used to manage any child safety incidents or concerns at ACS, noting the positives and areas for improvement

20.4.4 the content and frequency of child safety training for staff and volunteers at ACS,

20.5 If a review is triggered by a reportable child safety incident or concern occurring at or involving ACS, the review must include a systemic review and/or a root cause analysis. ACS conducts these reviews internally, however when appropriate will seek external advice.

20.6 When conducting a review following an externally reportable child safety incident or concern occurring at, or involving ACS, ACS considers:

20.6.1 the severity of the incident or concern

20.6.2 the first response of the individual who reported the incident or concern, including the effectiveness of continuing support for the student/s involved

20.6.3 ACS' compliance with internal and external reporting obligations

20.6.4 whether the incident was a result of a gap in ACS' Child Safe Policy

20.6.5 how the Child Safe Policy could be improved or adapted to ensure the gap is addressed

20.6.6 steps to be taken by ACS following the incident or concern, for example communication to parents/carers or the wider school community, if appropriate.

20.7 Every review is documented, with records maintained for a period of at least 50 years.

Audits

20.8 ACS is regularly audited for compliance with each of the National Principles either internally or externally by an independent specialist agency. This audit:

20.8.1 audits our child safety policies and procedures, to provide evidence of how ACS is child safe through, and to identify improvements to, its governance, leadership and culture

20.8.2 includes audits of practice within ACS to ensure that policies and procedures are followed in practice, consistently across the ACS community, and to identify areas for improvement.

Continuous Improvement

20.9 ACS is committed to continuous improvement in all its operations including this Child Safe Policy.

20.10 This is an ongoing process that is monitored by the Principal.

21. COMMUNICATION AND SUPPORT

Communication

21.1 ACS makes our Child Safe Policy, our Child Safe Code of Conduct and our Complaints and Grievance Policy.

21.2 Copies of ACS' other child safety policies and procedures are available on request.

21.3 ACS' Child Safety Policy is also communicated in the following ways:

21.3.1 ACS' induction training for:

- Staff
- Direct Contact Volunteers

21.3.2 regular information sessions for staff members about specific child safety issues at ACS

21.3.3 the provision of child safety training sessions

at least annually (including during professional development days) for:

- Staff
- Direct Contact Volunteers

Support for Reporters

21.4 Witnessing a child safety incident or receiving a disclosure of abuse or other harm, can be a stressful experience for staff, volunteers and contractors involved. ACS assists impacted staff, volunteers and contractors to access necessary support.

Support for Students and Families

21.5 Experiences of child abuse and other harm can cause trauma and significantly impact on the mental health and wellbeing of children. In addition to reporting and referral to the relevant authorities, ACS plays a central role in addressing this trauma and has a duty of care to ensure the students feel safe and supported at ACS.

21.6 If a student is impacted by a child safety incident or concern, delegated staff will work with the student and their family to develop a support plan and engage external support services which specialise in supporting children impacted by abuse or other harm.

22. APPENDIX 1: CHILD SAFE CODE OF CONDUCT

As an employee, contractor or volunteer, I am responsible for promoting the safety and wellbeing of children and young people in this workplace.

I will not:

- Subject a child to any form of corporal punishment, social isolation, immobilisation, sexual suggestion, offence or misconduct.
- Direct a child to perform in a sexually provocative or unsafe manner.
- Communicate with a child in ways that are likely to humiliate, frighten or distress the child.
- Use tobacco products or possess or be under the influence of alcohol or illegal drugs at any time while working with children.
- Develop any 'special' relationships with children that could be seen as grooming/favouritism such as the offering of gifts or special treatment.
- Do things of a personal nature that a child can do for themselves, such as toileting or changing clothes.

I will:

- Treat children with respect and be a positive role model in my conduct with them.
- Communicate with the children in an age appropriate and realistic manner.
- Set clear boundaries about appropriate behaviour between myself and a child.
- Only have physical contact with a child in ways which are appropriate to my professional or agreed role and responsibilities.

- Be willing to listen and respond appropriately to a child's views and concerns.
- Respond quickly, fairly and transparently to any serious complaints made by a child or related to a child.
- Abide by my reporting obligations in relation to the employer's Incident Register.
- Abide by the mandatory Code of Practice as part of the Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015.

I agree to abide by this Child Safe Code of Conduct.

Name: _____

Signature: _____

Date: _____



ACS

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